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Connecticut General Life Insurance Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MONTVALE SURGICAL CENTER, LLC a/s/o
various "PATIENTS",

Plaintiff,

vs.

CONNECTICUT GENERAL LIFE INSURANCE
COMPANY d/b/a CIGNA, CIGNA
HEALTHCARE OF NEW JERSEY, INC.; ABC
CORPS. (1-10)(said names being fictitious and
unknown entities),

Defendants.

Civil Action No. 12-05257 (SRC)(CLW)

Document electronically filed

**NOTICE OF MOTION TO DISMISS
COUNTS ONE, THREE, FOUR, AND
FIVE OF THE COMPLAINT
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(b)(6)**

TO: Andrew R. Bronsnick, Esq.
Massood & Bronsnick, LLC
50 Packanack Lake Road East
Wayne, NJ 07470-6663
Attorneys for Plaintiff

PLEASE TAKE NOTICE that on February 19, 2013 at 10:00 a.m. in the forenoon, or as soon thereafter as counsel may be heard, Defendant Connecticut General Life Insurance Company ("CGLIC"), through its attorneys, Gibbons P.C., will move before the Honorable Stanley R. Chesler, U.S.D.J., at the U.S. Post Office & Courthouse Building, 50 Walnut Street,

Newark, New Jersey, 07101, for entry of an Order in the form annexed hereto, dismissing Counts One, Three, Four, and Five of Plaintiff Montvale Surgical Center, LLC's Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that, in support of the within motion, Defendant CGLIC shall rely upon the Memorandum of Law in Support of its Motion to Dismiss, submitted herewith; and

PLEASE TAKE FURTHER NOTICE that at the time and place aforesaid, Defendant CGLIC will request that the proposed form Order submitted herewith be entered by the Court.

GIBBONS P.C.

Attorneys for Defendant

Connecticut General Life Insurance Company

Dated: January 25, 2012

By: s/E. Evans Wohlforth, Jr.
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Victoria K. Pérez, Esq.